

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAVID KOSKE,)
Plaintiff)
)
v.) Civil Action No. 04-30181-MAP
)
)
)
)
TEXON USA, INC.,)
Defendant)

SCHEDULING ORDER

October 20, 2005

NEIMAN, U.S.M.J.

Plaintiff's motion for entry of default judgment and assessment of damages (Document 10) has been referred to this court pursuant to 28 U.S.C. § 636. A hearing is scheduled for November 7, 2005, at 2:00 p.m. and the court will proceed via a report and recommendation. See *Conetta v. Nat'l Hair Care Centers, Inc.*, 236 F.3d 67, 72-75 (1st Cir. 2001). Based on the well-pleaded allegations of the complaint, the court intends to recommend a finding of liability. Nevertheless, Plaintiff will be expected at the hearing to present evidence, including testimony if necessary, establishing the damages sought. See *Eisler v. Stritzler*, 535 F.2d 148, 153-54 (1st Cir. 1976).

IT IS SO ORDERED.

/s/ Kenneth P. Neiman
KENNETH P. NEIMAN
U.S. Magistrate Judge